

### **REMARKS**

These remarks and the accompanying amendments are responsive to the Office Action (hereinafter referred to as "the Office Action" dated November 4, 2004, having a shortened statutory period for response that expired February 4, 2005. A petition and fee for a one-month extension of time accompany this response thereby extending the period for response until March 4, 2005.

At the time of the last examination, Claims 1-24 were pending. By this amendment, Claims 2, 4, 6, 8, 10-12, 14, 16, 18, 20 and 22-24 are cancelled, leaving Claims 1, 3, 5, 7, 9, 13, 15, 17, 19 and 21 for further consideration by the Examiner upon entry of this amendment. Of these remaining claims, all of the independent Claims 1, 9, 13 and 21 as well as dependent Claim 15 are currently amended. Claims 3, 5, 7, 17 and 19 are original.

Section 2 of the Office Action rejected Claims 1-24 under 35 U.S.C. 102(e) as being anticipated by United States patent number 6,363,060 (hereinafter referred to as "Sankar") issued to Sankar.

In the present invention of independent claims 1, 9, 13 and 21, the average or median of the average correlation values excluding the largest one is calculated, and is used as a reference value for judging the detection results. This average or median corresponds to the interference power.

This method eliminates the need to separately measure the interference power, and enables the interference power-equivalent value to be calculated substantially simultaneously with the calculation of the maximum average correlation coefficient. Consequently, this method is unlikely to be subjected to the adverse effects of the temporal variation of the interference power (see page 17, line 23 to page 18, line 8 of the applicants' specification).

Sarkar discloses that the PSC best estimate energy is compared to the next-highest of the remaining 5119 correlation energies (see Sankar, column 10, lines 39-41), and that a PSC slot timing estimate is deemed valid only if its correlation energy exceeds the correlation of every other offset by a predetermined amount (see Sankar, column 12, lines 22-24). That is, a PSC slot timing is determined by comparing the first correlation energy with the second one. In this method of Sarkar, a plurality of multi paths of a relevant cell and peaks of a plurality of multi paths of adjacent cells may be found. Sarkar nowhere discloses reduction of effects as described above.

On the other hand, the method of the present invention reduces the effects by using the average or median of the average correlation values. Figure 10 shows that the detection results judging method of this embodiment is so accurate that the detection results can be substantially ideally judged (see applicants' specification from page 22, line 8 to page 23, line 4).

In addition, if information on frame boundaries or scramble codes for surrounding cells has been obtained from control information or the like from the base station, the second step may be skipped or the average correlation coefficient may be calculated for only one scramble code at the third step (see applicants' specification from page 21, line 22 to page 22, line 7).

Thus, the present invention is not anticipated by Sarkar, and thus withdrawal of the 35 U.S.C. 102(e) rejection of Claims 1-24 is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 4<sup>th</sup> day of March, 2005.

Respectfully submitted,



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